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**H. 3405**

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Summary: App Store Accountability Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/5/2024 House Prefiled

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View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3405&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3405_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE “APP STORE ACCOUNTABILITY ACT” BY ADDING CHAPTER 31 TO TITLE 37 SO AS TO PROVIDE DEFINITIONS, TO PROVIDE THAT APP STORE PROVIDERS DETERMINE CERTAIN AGE CATEGORIES AND CERTAIN PARENTAL CONSENT, TO PROVIDE THAT CERTAIN INFORMATION MUST BE PROMINENTLY DISPLAYED, TO PROVIDE THAT THE DEPARTMENT OF CONSUMER AFFAIRS SHALL ISSUE CERTAIN GUIDANCE, TO PROVIDE FOR CONFLICTING SIGNALS, TO ESTABLISH AN ADVISORY COMMITTEE, TO PROVIDE FOR ENFORCEMENT, AND TO PROVIDE FOR REMEDIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “App Store Accountability Act.”

SECTION 2. The General Assembly of South Carolina finds that:

(1) Minors are not legally empowered in this State to enter into contracts or binding agreements without their parents or guardian’s consent.

(2) Many internet apps allow in‑app purchases by minors without confirming that an adult has consented to such a purchase.

(3) Many apps contain content the dissemination of which is illegal for minors such as obscene or sexually explicit material that is harmful to minors.

(4) Many apps contain content that have addictive features and age‑inappropriate material such as violence or adult themes.

(5) As many as ninety‑five percent of American teenagers own a smartphone and thus have access to apps through an app store.

(6) Certain app stores offer some means for parents to oversee their minors’ use of apps but these efforts are generally inadequate.

(7) Certain app stores offer some form of age rating for apps but those ratings have proven to be inaccurate, vague, deceptive, or otherwise unhelpful to parents.

(8) Some developers claim to limit or prohibit use of their app by minors, but their policies are frequently not enforced or enforced inadequately to prevent children from accessing the apps.

(9) There are online services that offer the capability to verify the age of a user of an app.

(10) App stores can verify the age of their users if they choose to do so.

(11) App store providers that also own the mobile operating system also publicly claim that they offer parental controls to limit the use of certain apps and filter sexually explicit material and fail to do so after the parent has employed those services.

(12) Requiring age verification by app store providers will empower parental oversight of minors’ use of apps while not limiting access to the apps by adults.

(13) The technology industry has argued that industry‑initiated voluntary filtering or age verification is protecting children from apps that harm them, but this has been proven to be incorrect and inadequate.

(14) This legislation seeks to ensure adults retain unimpeded access to content while providing protections for minors, with the understanding that parental involvement remains essential for safeguarding children online.

(15) This legislation does not favor or benefit the products sold in this State or disfavor products produced in other states and available in this State, nor does it purport to regulate interstate commerce or commerce in other states or impose regulations governing conduct outside this State.

(16) This legislation explicitly regulates only conduct occurring within this State.

SECTION 3. Title 37 of the S.C. Code is amended by adding:

CHAPTER 31

App Store Accountability

Section 37‑31‑10. As used in this Chapter:

(1) “Age category” means the category of an individual based on their age, including:

(a) “Legal adult” means an individual who is at least twenty‑one years of age.

(b) “Adult” means an individual who is at least eighteen years of age and under the age of twenty‑one.

(c) “Older teenager” means an individual who is at least seventeen years of age and under eighteen years of age.

(d) “Teenager” means an individual who is at least thirteen years of age and is under seventeen years of age.

(e) “Child” means an individual who is under the age of thirteen.

(2) “App” means a software application or electronic service that may be run or directed by a user on a computer, a mobile device, a tablet, or any other general purpose computing device.

(3) “App store” means a publicly available website, software application, or other electronic service that distributes apps from third‑party developers to users of a computer, a tablet, a mobile device, or any other general‑purpose computing device.

(4) “Department” means the Department of Consumer Affairs.

(5) “Developer” means any person that owns or controls an app made available through an app store available in this State.

(6) “Know” means to have actual knowledge or knowledge fairly inferred based on objective circumstances.

(7) “Minor” means an individual who is under eighteen years of age.

(8) “Mobile device” means a tablet and smartphone running mobile operating systems.

(9) “Mobile operating system” means a set of software that manages mobile device hardware resources and provides common services for mobile device programs.

(10) “Parent” with respect to a particular minor means an adult with the legal right to make decisions on behalf of that minor, including:

(a) a natural parent;

(b) an adoptive parent;

(c) a legal guardian; and

(d) an individual with legal custody over the minor.

(11) “Signal” means age bracketed data sent by a real‑time secure application programming interface or operating system that is likely to be accessed by minors.

(12) “Verifiable parental consent” means authorization that:

(a) comes from a parent who a covered app store provider has verified is an adult;

(b) is given after a covered app store provider has disclosed information to the parent identifying what is specifically being consented to, including the minimum age, content descriptors, and age rating for the app or in‑app purchase at issue; and

(c) is given as a result of the parent being given a clear choice to consent or decline to consent to the request.

Section 37‑31‑20. (A) Beginning January 1, 2026, using commercially available methods, app store providers shall determine the age category for every individual located in this State that purchases or uses apps from their app store and verify that user’s age.

(B)(1) App store providers shall obtain verifiable parental consent before allowing a minor located in this State to download, purchase, or use apps from its app store.

(2) Such consent must be obtained on a download‑by‑download or purchase‑by‑purchase basis by default.

(3) App store providers shall provide a commercially available mechanism for parents to block the download of any apps sold or downloaded by the app store in this State unsuitable for a particular minor’s age category.

(C) App store providers that operate in this State, own or control a mobile device’s mobile operating system, and currently offer and advertise parental controls must provide clear and easy‑to‑find mechanisms to parents in order for parents to access those parental controls, especially those parental controls the app store provider advertises as:

(1) providing filters for the mobile device that prevent a minor from accessing sexually explicit websites on the device’s mobile web browser; and

(2) allowing parents to control usage limits categories of the mobile device each day, during school hours, and in the evening.

(D)(1) To the extent that app store providers display age ratings consistent with the age categories and content descriptors, both the age rating and content description must be clearly, accurately, and prominently displayed.

(E) Consistent with their current data collection practices, app store provider shall provide developers the ability to determine the age category of any user located in the state and whether the app store has obtained verifiable parental consent under subsection (B), through a real‑time application programming interface whenever a minor located in this State uses that developer’s app.

(F) Nothing in this section may be construed:

(1) to prevent a covered app store provider from taking reasonable measures to block, detect, or prevent the distribution of unlawful, obscene, or other harmful material to minors, to block or filter spam, to prevent criminal activity, or to protect the security of an app store or app;

(2) to require a covered app store provider to disclose any information about a user to a developer other than his age category and whether the covered app store provider has obtained verifiable parental consent under subsection (B); or

(3) to allow a covered app store provider to use any measures required by this section in a way that is arbitrary, capricious, anticompetitive, or unlawful.

Section 37‑31‑30. (A) To the extent the developer displays age ratings consistent with the age categories and content descriptions, both the age rating and content description must be clearly, accurately, and prominently displayed. Developers must notify parents and app store providers and obtain additional verifiable parental consent if their app ratings or the nature of their services change.

(B) Developer shall use the application programming interface of a covered app store provider, when available, to verify the age category of its users located in the state and, in the case of a minor, whether verifiable parental consent has been obtained before allowing the use of the app or in‑app purchases.

(C) Developers shall provide readily available features for a parent located in this State to implement time restrictions, including the ability to view metrics reflecting the amount of time that a minor is using a given app and set daily time limits on minor’s use of such app.

(D) A developer must use a covered app store provider’s signal to determine the age category of a user.

Section 37‑31‑40. (A) Before January 1, 2026, the department shall issue guidance to assist covered app store providers and developers in complying with the requirements of this chapter.

(B) Every covered app store provider and developer shall comply with the provisions of this chapter within six months of when the department adopts its guidance.

Section 37‑31‑50. In the event that an app store provider’s signal conflicts with a developer’s signal, either an app store provider or a developer would be considered in compliance with this chapter if they act on the signal that indicates the lowest age of the minor.

Section 37‑31‑60. By July 1, 2025, the department shall establish an advisory committee to issue a report to the department on how to increase transparency and consistency with respect to the age rating of apps offered on the app store of any covered app store provider. The advisory committee must be made up of parents, public interest groups focused on child welfare, content creators, and developers. The department shall make the report publicly available.

Section 37‑31‑70. (A) The Attorney General shall enforce the provisions of this chapter.

(B) Each violation of the provisions of this chapter may result in a fine of up to two thousand five hundred dollars.

(C) The Attorney General shall bring civil actions to obtain compliance with this chapter.

(D) If a court finds a violation of this chapter, the court may:

(1) declare that an act or practice violates this chapter;

(2) enjoin the person from violating this chapter;

(3) order disgorgement of any money received in violation of this chapter;

(4) impose a civil penalty of up to ten thousand dollars for each violation;

(5) award damages or other appropriate relief to an injured minor or parent; or

(6) award reasonable attorney’s fees, investigative fees, and court costs to the department.

(E) If a court finds that a violation of this chapter was knowingly, repeatedly or flagrantly violated, then the fines and damages may be doubled.

Section 37‑31‑80. (A) Parents whose child has been victimized by a violation of this chapter by a covered app store provider or developer may bring a civil action against an entity for any violation of Section 37‑31‑20 or 37‑31‑30.

(B) In a civil action brought under subsection (A) in which the plaintiff prevails, the court may award the plaintiff:

(1) an amount equal to the sum of any actual damages;

(2) injunctive relief, including an order that the entity retrieve any covered data transferred in violation of this chapter;

(3) declaratory relief; and

(4) reasonable attorney’s fees and litigation costs.

SECTION 4. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 5. This act takes effect upon approval by the Governor.

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